

## **FIRST DIVISION**

**[ G.R. No. 170375, October 13, 2010 ]**

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. MAMINDIARA P. MANGOTARA, IN HIS CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT, BRANCH 1, ILIGAN CITY, LANA DEL NORTE, AND MARIA CRISTINA FERTILIZER CORPORATION, AND THE PHILIPPINE NATIONAL BANK, RESPONDENTS,**

**[G.R. NO. 170505]**

**LAND TRADE REALTY CORPORATION, PETITIONER, VS. NATIONAL POWER CORPORATION AND NATIONAL TRANSMISSION CORPORATION (TRANSCO), RESPONDENTS,**

**[G.R. NOS. 173355-56]**

**NATIONAL POWER CORPORATION, PETITIONER, VS. HON. COURT OF APPEALS (SPECIAL TWENTY-THIRD DIVISION, CAGAYAN DE ORO CITY), AND LAND TRADE REALTY CORPORATION, RESPONDENTS,**

**[G.R. NO. 173401]**

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. DEMETRIA CACHO, REPRESENTED BY ALLEGED HEIRS DEMETRIA CONFESOR VIDAL AND/OR TEOFILO CACHO, AZIMUTH INTERNATIONAL DEVELOPMENT CORPORATION AND LAND TRADE REALTY CORPORATION, RESPONDENTS.**

**[G.R. NOS. 173563-64 ]**

**NATIONAL TRANSMISSION CORPORATION, PETITIONER, VS. HON. COURT OF APPEALS (SPECIAL TWENTY-THIRD DIVISION, CAGAYAN DE ORO CITY), AND LAND TRADE REALTY CORPORATION AS REPRESENTED BY ATTY. MAX C. TABIMINA, RESPONDENTS,**

**[G.R. NO. 178779]**

**LAND TRADE REALTY CORPORATION, PETITIONER, VS. DEMETRIA CONFESOR VIDAL AND AZIMUTH INTERNATIONAL DEVELOPMENT CORPORATION, RESPONDENTS,**

**[G.R. NO. 178894]**

**TEOFILO CACHO AND/OR ATTY. GODOFREDO CABILDO,  
PETITIONER, VS. DEMETRIA CONFESOR VIDAL AND AZIMUTH  
INTERNATIONAL DEVELOPMENT CORPORATION, RESPONDENTS.**

**R E S O L U T I O N**

**Gentlemen**

On July 7, 2010, the First Division of this Court promulgated its Decision in seven consolidated Petitions, with the following dispositive portion:

**WHEREFORE**, premises considered, the Court renders the following judgment in the Petitions at bar:

1) In **G.R. No. 170375** (Expropriation Case), the Court **GRANTS** the Petition for Review of the Republic of the Philippines. It **REVERSES and SETS ASIDE** the Resolutions dated July 12, 2005 and October 24, 2005 of the Regional Trial Court, Branch 1 of Iligan City, Lanao del Norte. It further **ORDERS** the reinstatement of the Complaint in Civil Case No. 106, the admission of the Supplemental Complaint of the Republic, and the return of the original record of the case to the court of origin for further proceedings. No costs.

2) In **G.R. Nos. 178779 and 178894** (Quieting of Title Case), the Court **DENIES** the consolidated Petitions for Review of Landtrade Realty Corporation, Teofilo Cacho, and/or Atty. Godofredo Cabildo for lack of merit. It **AFFIRMS** the Decision dated January 19, 2007 and Resolution dated July 4, 2007 of the Court of Appeals in CA-G.R. CV. No. 00456, affirming *in toto* the Decision dated July 17, 2004 of the Regional Trial Court, Branch 3 of Iligan City, Lanao del Norte, in Civil Case No. 4452. Costs against Landtrade Realty Corporation, Teofilo Cacho, and Atty. Godofredo Cabildo.

3) In **G.R. No. 170505** (The Ejectment or Unlawful Detainer Case - execution pending appeal before the Regional Trial Court), the Court **DENIES** the Petition for Review of Landtrade Realty Corporation for being moot and academic given that the Regional Trial Court, Branch 1 of Iligan City, Lanao del Norte had already rendered a Decision dated December 12, 2005 in Civil Case No. 6613. No costs.

4) In **G.R. Nos. 173355-56 and 173563-64** (The Ejectment or Unlawful Detainer Case - execution pending appeal before the Court of Appeals), the Court **GRANTS** the consolidated Petitions for *Certiorari* and Prohibition of the National Power Corporation and National Transmission Corporation. It **SETS ASIDE** the Resolution dated June 30, 2006 of the Court of Appeals in CA-G.R. SP Nos. 00854 and 00889 for having been rendered with grave abuse of discretion amounting to lack or excess of jurisdiction. It further **ORDERS** the Court of Appeals to issue a writ of preliminary injunction enjoining the execution of the Decision dated December 12, 2005 of the Regional Trial Court, Branch 1 of Iligan City, Lanao del Norte, in Civil Case No. 6613, while the same is pending appeal before the Court of Appeals in CA-G.R. SP Nos. 00854 and 00889. It

finally **DIRECTS** the Court of Appeals to resolve without further delay the pending appeals before it, in CA-G.R. SP Nos. 00854 and 00889, in a manner not inconsistent with this Decision. No costs.

5) In **G.R. No. 173401** (Cancellation of Titles and Reversion Case), the Court **GRANTS** the Petition for Review of the Republic of the Philippines. It **REVERSES** and **SETS ASIDE** the Orders dated December 13, 2005 and May 16, 2006 of the Regional Trial Court, Branch 4 of Iligan City in Civil Case No. 6686. It further **ORDERS** the reinstatement of the Complaint in Civil Case No. 6686 and the return of the original record of the case to the court of origin for further proceedings. No costs.<sup>[1]</sup>

In a Resolution<sup>[2]</sup> dated August 25, 2010, the Court denied with finality the separate motions for reconsideration filed by <sup>[1]</sup> Teofilo Cacho (Teofilo) and Atty. Godofredo Cabildo (Atty. Cabildo); <sup>[2]</sup> Land Trade Realty Corporation (LANDTRADE); and <sup>[3]</sup> Demetria Vidal (Vidal), Azimuth International Development Corporation (AZIMUTH), and Maria Cristina Fertilizer Corporation (MCFC), considering that the basic issues were already passed upon and there was no substantial argument to warrant a modification of the previous judgment of the Court.

Also in the August 25, 2010 Resolution, the Court denied the joint motion of Vidal, AZIMUTH, and MCFC to refer the cases to the Court *En Banc* because per SC Circular No. 2-89 dated February 7, 1989, as amended by the Resolution dated November 18, 1993, the Court *En Banc* is not an appellate court to which decisions or resolutions of the Divisions may be appealed. It is for this same reason that the Court is now similarly denying the Motion [To Refer to Court *En Banc* G.R. Nos. 178779 and 178894, G.R. Nos. 170505, 173355-56, 173562-64 (sic) and G.R. No. 173401] of LANDTRADE.

Thus, the only other matter left for determination of this Court is the Motion for Leave to File and Admit Attached Motion for Clarification, with the appended Motion for Clarification, of the Republic of the Philippines (Republic). The Republic is concerned that the pronouncements of this Court as regards the Quieting of Title Case (G.R. Nos. 178779 and 178894) would effectively bar or limit the prosecution of the Cancellation of Titles and Reversion Case (G.R. No. 173401) and Expropriation Case (G.R. No. 170375). Hence, the Republic seeks the following reliefs from this Court:

WHEREFORE, it is respectfully prayed that a clarification be made confirming that:

1. The pronouncement in *G.R. Nos. 178779 and 178894* that: "*Azimuth is the successor-in-interest of Demetria Vidal to the extent of 23 hectares*" is without prejudice to the final disposition of Civil Case No. 6686 for reversion; and,
2. The pronouncement in *G.R. Nos. 178779 and 178894*, on *Demetria Vidal Confesor's* heirship vis-à-vis her supposed right to transfer title to Azimuth, is without prejudice to the outcome of Civil Case No. 106 (Expropriation) where the government may present evidence (sic) to